APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,692	10/04/2000	Glenn Reid	004860.P2475	9006

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EXAMINER
TRAN, MYLINH T

ART UNIT	PAPER NUMBER
2179	

MAIL DATE	DELIVERY MODE
04/30/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/679,692	REID ET AL.
	Examiner	Art Unit	
	MYLINH TRAN	2179	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>08 December 2008</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,4,6,7,9,12,14,15,17,20,22,23,25,28,30,31 and 33-53</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31, 33-53</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail. Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

In view of the Appeal Brief filed on 12/08/08, PROSECUTION IS HEREBY REOPENED. The new office action sets forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22-23, 25, 28, 30, 31 and

33-53 are rejected under 35 U.S.C. 102(e) as being anticipated by

Burnard et al. [US. RE37722].

As per claims 1, 9, 17, 25, 37, 38, 41, 42, 45, and 46, Burnard et al.

teach a computer implemented method and corresponding system for

producing a graphical user interface, comprising the steps/means:

storing a graphic file (column 3, lines 3-6, "the user interface object

parameters are stored in a "resource" file in which each user interface

object is assigned an identifier and associated with a list of parameters

for that object.") created by a multi-layered type computer program, the

graphic file containing a list of control objects, wherein each control

object is in at least one layer (column 9, line 25 through column 10, line

20, "an application framework for a user interface might provide a set of

pre-defined GUI objects which create windows, scroll bars, menus, etc.

and provide the support and "default" behavior for these graphic interface

objects"…these applications frameworks include a set of standard

objects which create windows, scroll bars, menus, etc, each with its own

pre-defined behavior...", the multi-layer type computer program includes

scroll bars (1st layer), menus (2nd layer), windows (3rd layer), dictates at

least one attribute of a control element and is editable by a user (column

10, lines 20-45), creating an application program other than the multi-

layered type computer program to access the graphic file and to display

a control element from the graphic file on the graphical user interface

(column 11, lines 30-65 "the UI objects which generate the screen

displays can be created in advance by the use of special constructor"

program. The constructor program is itself object-oriented and extensible

so that it can create and edit both existing UI objects and UI objects

created by a program developer. UI objects created or edited with the

constructor program are stored in an archive file and can be retrieved at

runtime to generate the appropriate screen displays") and column 27,

lines 15-55, "), the control element having at least one attribute dictated

by one of the control objects in the at least one layer of the graphic file

(column 12, lines 1-50, "in order to create a new UI object which is

compatible with the constructor program....the TInspector and

TObjectView base classes and TGraphiculator helper class must be

subclassed with the member functions overridden so that the new object

can be edited. However, the new object must also have a new escort

class created. This new escort class is created by subclassing the base

escort classes provided in the constructor program"), each control object

independently editable relative to a different control object (column 10,

lines 1-30, "system level services which developers can modify or

override to create customized solutions, thereby avoiding the awkward

procedural calls necessary with the prior art application frameworks

programs. For example, consider a display framework which could

provide the foundation for creating and manipulating windows and UI

objects displayed within the windows to display information generated by

an application program…the framework supplies a set of predefined

objects and a mechanism to modify these objects and create new

ones.").

As per claims 4, 12, 20, 28, 39, 43, and 47, Burnard et al. teach the at

least one layer of the first control object being grouped with the other

layers in the graphic file (column 9, lines 25-65).

As per claim 6, 14, 22, and 30, Burnard et al. disclose the control

element being an edit control to manipulate a time-based stream of

information (column 12, line 60 through column 13, lines 50).

As per claims 7, 15, 23, and 31, Burnard et al. teach the at least one

attribute being at least one of an appearance and location and or size

and element type and state and function and behavior in a particular

environment (column 21, line 57 through column 22, line 35).

As per claims 33-36, 40, 44, and 48, Burnard et al. teach the layers

being linked (column 11, lines 40-65).

As to claim 49, Burnard et al. teach the application program displaying

the control objects and allowing the control objects to be edited using the

application program to change the control element attribute as dictated

by the editing of the control objects (column 10, lines 20-45).

As to claim 50, Burnard et al. teach allowing the control objects to be

edited comprising allowing use of the application program to

independently change the control objects to cause the corresponding attribute of the control element to change (column 27, lines 20-50).

As to claim 51, Burnard et al. teach the multi-layered type computer program comprising a graphics editor; and the control object comprising a picture-related control object embodied in an image page and depicting a control element as the element would appear on the graphical user interface or comprising a textual description of an attribute of a control element listed on a layer list page (column 24, lines 15-55).

As to claim 52, Burnard et al. teach the control objects may be edited by adding deleting, or changing the control object to revise the control elements of the graphical user interface without converting the graphical user interface to an intermediate format or recompiling the graphical user interface (column 29, lines 15-51) and the control elements have at least one of an appearance of an element, a location of an element, a size of an element, a type of a graphical user interface environment, a state of a graphical user interface environment, function of a graphical user interface environment or a behavior of a graphical user interface environment dictated by the control objects (column 11, lines 40-65 and column 27, lines 15-55).

As to claim 53, Burnard et al. teach editing a control object causes a control element to be edited (column 10, lines 20-45)

Response to Arguments

Applicant's arguments with respect to claims 1, 9, 17, 25, 37, 41 and 45 have been considered but are moot in view of the new ground of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mylinh Tran

Art Unit 2179

A Supervisory Patent Examiner (SPE) has approved of reopening

prosecution by signing below:

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179